

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of

Connect America Fund

Petition for Clarification or Declaratory
Ruling on the Definition of Location for
Home Offices Under the Connect
America Fund-Alternative Connect
America Cost Model

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WT Docket No. 10-90

**COMMENTS OF
THE IOWA COMMUNICATIONS ALLIANCE,
THE MINNESOTA TELECOM ALLIANCE, AND
THE WISCONSIN STATE TELECOMMUNICATIONS ASSOCIATION**

The Iowa Communications Alliance, the Minnesota Telecom Alliance, and the Wisconsin State Telecommunications Association (collectively, the “Joint Commenters”) hereby jointly submit these Comments in support of the Petition for Clarification or Declaratory Ruling filed with the Federal Communications Commission (the “Commission”) by Northeast Iowa Telephone Company (“NEIT”) and Western Iowa Telephone Association (“WIATEL”) (collectively, “Petitioners”) regarding the definition of locations under the Alternative Connect America Cost Model (“A-CAM”).¹

Together, the Joint Commenters represent approximately 301 rural operators that have received ACAM I or ACAM II offers and will be impacted by the issue outlined in the Petition. These rural operators have already led the charge in deploying advanced networks in many rural areas to date, and with the significant steps the

¹ Northern Iowa Telephone Company and Western Iowa Telephone Ass’n, Petition for Clarification or Declaratory Ruling, WC Docket No. 10-90 (filed May 6, 2019) (“Petition”).

Commission has taken in recent years to modernize and improve the USF programs, these operators are poised in the next several years to deliver robust and reliable voice and broadband services to those rural areas still lacking access.

Like Petitioners, the Joint Commenters believe that USAC's High Cost Universal Broadband ("HUBB") "FAQ" document regarding when a home-based business should be counted as a separate location for purposes of A-CAM requirements is plainly inconsistent with the specifications set forth in Commission rules and orders for identifying locations. Representing states with very rural areas, the Joint Commenters are concerned as well that the HUBB FAQ is inconsistent with both industry practice and the practical challenges of serving rural locations, and for these reasons urge the Commission to direct USAC to modify the guidance.

As an initial matter, the HUBB FAQ document indicates that "[f]or a carrier to count a business run out of a house or a business run out of a barn, shed or other structure on the property, there must be a separate facilities (drop/line) and separate equipment (e.g., modem) and the business must separately subscribe (get its own bill) to at least the minimum speed required."² Yet an actual subscription requirement can be found nowhere in the Commission's rules and orders. Instead, the Commission's rules and orders make unmistakably clear that eligible locations – without distinction between type of locations – include those that do not have service but could receive it

² Petition at p.4.

within a certain time period following request.³ Thus, the HUBB FAQ does not accurately capture or reflect the actual scope of the Commission's rules and orders.

The HUBB FAQ also misses the mark in failing to accurately capture or reflect the diversity of locations that exist in rural areas. At a time when the Commission is commencing a thoughtful and much-needed look at how to promote smart-ag applications and capabilities,⁴ it would seem contrary to such efforts to implement a different, stricter standard for the kinds of smart ag locations that are likely to need broadband than applies to any other kind of location. Moreover, in rural markets, many small businesses operate from home precisely because of a lack of a "downtown" hub or other area for commercial development. Applying a separate, stricter standard that includes actual subscription and additional facilities only to these kinds of locations thus risks leaving out many of the kinds of locations that the High Cost universal service program is intended to help.

All this being said, the Joint Commenters recognize and share the Commission's interest in accountability. The Joint Commenters' members are committed to their rural communities, and they only want to ensure that the standards match realities on the ground in rural areas – they do not want the standards to be used by parties that do not share such a community commitment to sidestep important public interest obligations.

³ 47 C.F.R. § 54.310(c); see also Connect America Fund, et al., Report and Order, Order and Order on Reconsideration, and Further Notice of Proposed Rulemaking, 31 FCC Rcd 3087, 3133 (2016), at ¶ 121.

⁴ See, e.g., FCC Announces the Establishment of the Task Force for Reviewing Connectivity and Technology Needs of Precision Agriculture in the United States and Seeks Nominations for Membership, *Public Notice*, DA 19-568 (rel. June 17, 2019).

The Joint Commenters therefore support the recommendations submitted previously by the Petitioners and also NTCA.⁵ These recommendations, if provided to USAC in the form of direction to adjust the HUBB FAQ guidance, would strike a proper balance by properly recognizing the diversity of rural locations to be served that may share a structure or a property parcel with a residence, while also maintaining reasonable standards for what qualifies and mitigating against gamesmanship in the identification of locations.

Respectfully submitted,

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⁵ See, *Connect America Fund: Ex Parte of NTCA-The Rural Broadband Association*, Docket No. 10-90 (June 5, 2019).